

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43824 of 2019

Arising Out of PS. Case No.-536 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Bambam Kumar @ Bambam Choudhary S/o Ram Bachan Choudhary @
Bachchan Choudhary R/o village- Paspura, P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1
For the Opposite Party/s : Mrs. Pushpa Sinha.1

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 13-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Begusarai Muffasil P.S. Case No. 536 of 2018 registered for the
offence punishable under Sections 30(a) and 38(1) of Bihar
Prohibition & Excise Act-2016.

On the tip-off about vending of liquor by the
petitioner from his house, when the informant and police force
arrived near the house of the petitioner, he found three persons
with two motorcycles in front of his house and one gunny bag
on one of the motorcycles. Seeing the police force, one of them
managed to escape while two accused persons were
apprehended, and one of them, who were caught hold with



gunny bag and motorcycle disclosed his identity as Himanshu Kumar. He also disclosed the name of his fleeing accomplice as Bambam Kumar and also owner of the said motorcycle.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from conscious physical possession of the petitioner. He has no concern either with the seized liquor or with the motorcycle in question or with any trade of liquor. There is nothing on record indicating complicity of the petitioner in the occurrence barring the disclosure made by the apprehended accused Himanshu Kumar. Police after verification, has reported that the number used on the said motorcycle is of Platinum motorcycle belonging to one Prabhat Kumar Singh and not the petitioner, hence, no offence under Excise Act is made out against the petitioner. Petitioner has no criminal antecedent.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of learned Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Begusarai Muffasil P.S. Case No. 536 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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